

DECISION RECORD

Reference: Environmental Assessment (EA) for Grazing Authorization, #NM-060-00-181

Decision:

It is my decision to authorize Malcolm Harral a ten year grazing permit/lease for BLM grazing allotments #65040 and 65540. The permit on allotment 65040 would authorize 4 Animal Units (AU's) yearlong at 100 percent federal range for 48 Animal Unit Months (AUM's). The lease on allotment 65540 would authorize 2 AU's yearlong at 100 percent federal range for 24 AUM's. Cattle are the authorized class of livestock.

Any additional mitigation measures identified in the environmental impacts sections of the referenced environmental assessment have been formulated into stipulations, terms and conditions.

If you wish to protest this proposed decision in accordance with 43 CFR 4160.2, you are allowed 15 days to do so in person or in writing to the authorized officer, after the receipt of this decision. Please be specific in your points of protest. In the absence of a protest, this proposed decision will become the final decision of the authorized officer without further notice, in accordance with 43 CFR 4160.3. A period of 30 days following receipt of the final decision, or 30 days after the date the proposed decision becomes final, is provided for filing an appeal and petition for the stay of the decision, for the purpose of a hearing before an Administrative Law Judge (43 CFR 4.470). The appeal shall be filed with the office of the Field Office Manager, 2909 West Second, Roswell, NM, 88201, and must state clearly and concisely your specific points.

signed by T. R. Kreager
Assistant Field Manager-Resources

2/26/01
Date

**ENVIRONMENTAL ASSESSMENT
for
GRAZING AUTHORIZATION**

ALLOTMENTS #65040 SECTION 3, and #65540, SECTION 15

EA-NM-060-00-181

August, 2000

**U.S. Department of the Interior
Bureau of Land Management
Roswell Field Office
Roswell, New Mexico**

I. Introduction

When authorizing livestock grazing on public range, the Bureau of Land Management (BLM) has historically relied on a land use plan and environmental impact statement to comply with the National Environmental Policy Act (NEPA). A recent decision by the Interior Board of Land Appeals, however, affirmed that the BLM must conduct a site-specific NEPA analysis before issuing a permit or lease to authorize livestock grazing. This environmental assessment fulfills the NEPA requirement by providing the necessary site-specific analysis of the effects of issuing a new grazing permit/lease on allotments #65040 and 65540.

The scope of this document is limited to the effects of issuing a 10 year grazing lease and permit, other future actions such as range improvement projects will be addressed in a project specific environmental assessment. There are no current plans for additional management actions on this allotment.

A. Purpose and Need for the Proposed Action

The purpose of issuing a new grazing lease would be to authorize livestock grazing on public lands on allotments #65040 and 65540. The lease would specify the types and levels of use authorized, and the terms and conditions of the authorization pursuant to 43 CFR §§4130.3, 4130.3-1, 4130.3-2 and 4180.1.

B. Conformance with Land Use Planning

The Roswell Resource Management Plan/Environmental Impact Statement (October 1997) has been reviewed to determine if the proposed action conforms with the land use plan's Record of Decision. The proposed action is consistent with the RMP/EIS.

C. Relationships to Statutes, Regulations, or Other Plans

The proposed action is consistent with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1700 et seq.); the Taylor Grazing Act of 1934 (43 U.S.C. 315 et seq.), as amended; the Clean Water Act (33 U.S.C. 1251 et seq.), as amended; the Endangered Species Act (16 U.S.C. 1535 et seq.) as amended; the Federal Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.); Executive Order 11988, Floodplain Management and Executive Order 11990, Protection of Wetlands.

Proposed Action and Alternatives

A. Proposed Action:

The proposed action is to authorize the Malcolm Harral a 10 year grazing lease for BLM grazing allotment #65540 and a ten year grazing permit for allotment #65040. The lease on allotment #65540 would authorize 2 Animal Units (AU's) year-long at 100 percent federal range for 24 Animal Unit Months (AUM's). The permit on allotment #65040 would authorize 4 AU's year-long at 100 percent federal range for 48 AUM's. Cattle are the class of livestock proposed for authorization on both allotments.

B. No Permit / Lease authorization alternative:

This alternative would not issue a new grazing lease or permit. There would be no livestock grazing authorized on public land within allotments #65040 and 65540.

C. Authorize 10 year permit / lease at the current authorization levels alternative:

This alternative would authorize grazing on allotment #65040 at a level of 6 AU's year-long at 100 percent federal range for 72 AUM's, and on allotment #65540 at a level of 6 AU's year-long at 100 percent federal range for 72 AUM's. Cattle would be class of livestock proposed for authorization on both allotments.

III. Affected Environment

A. General Setting

Allotment #65040 and 65540 are located in Chaves county, approximately ten miles east of Roswell, New Mexico. Allotment #65040 consists of 287 acres of public land, allotment #65540 consists of 160 acres of public land. Substantial amounts of private land are also located within the ranch but are not accounted for under the section 15 lease or minimal acreage section 3 permit (100% public land permit). These two allotments are located within the same ranch. There are two separate allotments because the Grazing District boundary runs through this ranch, thereby creating two allotments.

Allotment #64050 lies within the boundaries of the Roswell Grazing District established subsequent to the Taylor Grazing Act (TGA). Grazing authorization on Public Lands inside the Grazing District boundary is governed by section 3 of the TGA. The permittee is billed for the amount of forage available for livestock on federal land. Overall livestock numbers are not controlled by the BLM due to the limited amount of federal land within this allotment.

Allotment #65540 lies outside of the Roswell Grazing District boundary established subsequent to the Taylor Grazing Act (TGA). Grazing authorization on Public Lands outside of the Grazing District boundary is governed by section 15 of the TGA and are commonly referred to as section 15 lands. Overall livestock numbers for the ranch are not controlled under this section 15 lease. The amount of forage produced on Public land is the determining factor on the number of authorized livestock.

The landscape of the area is flat to gently sloping with a vegetative cover of mainly grasses.

The following resources or values are not present or would not be affected: Prime/Unique Farmland, Areas of Critical Environmental Concern, Minority/Low Income Populations, Wild and Scenic Rivers, Invasive Non-Native Species, Floodplains, Hazardous/Solid Wastes, Wetlands/Riparian Zones. Native American Religious Concerns. Cultural inventory surveys would continue to be required for public actions involving surface disturbing activities.

B. Affected Resources

1. Soils: The soils in the area are Hollomex-Reeves-Miller dry loams. The soils are deep, well drained and found on moderately steep slopes. The soils are derived from calcareous materials and gypsum. For in depth soil information, please refer to the Soil Survey of Chaves County New Mexico Northern Part. A copy of this document may be reviewed at the BLM Roswell Field Office or at most National Resources Conservation Service offices in southern New Mexico.

2. Vegetation: These allotments are within the grassland vegetative community as identified in the Roswell Resource Management Plan/Environmental Impact Statement (RMP/EIS). Vegetative communities managed by the Roswell Field Office are identified and explained in the RMP/EIS. Appendix 11 of the draft RMP/EIS describes the Desired Plant Community (DPC) concept and identifies the components of each community. The distinguishing feature for the grassland community is that grass species typically comprise 75% or more of the potential plant community. The community also includes shrub, half-shrub, and forb species. The percentages of grasses, forbs, and shrubs actually found at a particular location will vary with recent weather factors, past resource uses and the potential of the site.

3. Wildlife: Game species which may occur within the area include mule deer, antelope, mourning dove, and scaled quail. Raptors that utilize the area on a more seasonal basis include the Swainson's, red-tailed, and ferruginous hawks, American kestrel, and great-horned owl. Numerous passerine birds utilize the grassland areas due to the variety of grasses, forbs, and shrubs. The most

common include the western meadowlark, mockingbird, horned lark, killdeer, loggerhead shrike, and vesper sparrow.

The warm prairie environment supports a large number of reptile species compared to higher elevations. The more common reptiles include the short-horned lizard, lesser earless lizard, eastern fence lizard, coachwhip, bullsnake, prairie rattlesnake, and western rattlesnake.

A general description of wildlife occupying or potentially utilizing the proposed action area is located in the Affected Environment Section (p. 3-62 to 3-71) of the Draft Roswell RMP/EIS (9/1994).

4. Threatened and Endangered Species: There are no known threatened or endangered species of plant or animals on Allotments 65040 and 65540. A list of federal threatened, endangered and candidate species reviewed for this EA can be found in Appendix 11 of the Roswell Approved RMP (AP11-2). There are no designated critical habitat areas within this allotment. The swift fox is a Federal Candidate species that may occupy or utilize the area; refer to the Biological Opinion (AP11-38) in the Roswell RMP for a detailed description of the range, habitats and potential threats.

The mountain plover has been recently proposed for listing as an Endangered Species. It is associated with shortgrass and shrub-steep landscapes throughout its breeding and wintering range. Historically, on the breeding range, it occurred on nearly denuded prairie dog towns and in areas of major bison concentration. The mountain plover are considered to be strongly associated with sites of heaviest grazing pressure, to the point of excessive surface disturbance. Short vegetation, bare ground, and a flat topography are now recognized as habitat-defining characteristics at both breeding and wintering locales.

5. Livestock Management: These allotments are operated as a yearling backgrounding and conditioning ranch. Yearling cattle are brought into the ranch during late November and are fed at the headquarters until late April or early May. After this period the cattle are moved to different ranches that the Harral's operate. This use of the allotments allows for growing season rest every year.

While the cattle are on the allotment, they are kept in pens near the headquarters on private land and fed. The gates to the pastures are not opened unless vegetation conditions are optimal for weight gains on the yearling cattle. During periods of actual pasture usage, the cattle are rotated to different pastures which gives further deferment from grazing and helps the livestock with the weight gain.

6. Visual Resources: The allotment is located in a Class III Visual Management Area. The Class III rating means that contrasts to the basic elements caused by a management activity may be evident and begin to attract attention in the landscape. The changes, however should remain subordinate to the existing landscape.

7. Water Quality: No perennial surface water is found on the Public Land on this allotment.

8. Air Quality: Air quality in the region is generally good. The allotment is in a Class II area for the Prevention of Significant Deterioration of air quality as defined in the public Clean Air Act. Class II areas allow a moderate amount of air quality degradation.

9. Recreation: Since this allotment has no facility based recreational activities, only dispersed recreational opportunities occur on these lands. Recreational activities that may occur include hunting, caving, sightseeing, Off Highway Vehicle Use, primitive camping, horseback riding and hiking.

Off Highway Vehicle designation for public lands within this allotment are classified as "Limited" to existing roads and trails.

10. Cave/Karst: This allotment is located within a designated area of high karst and cave potential. A complete significant cave or karst inventory has not been completed for the public lands located in this grazing allotment. No significant caves or karst features are known to exist within this allotment.

IV. Environmental Impacts

A. Impacts of the Proposed Action

1. Soils: Proper utilization levels and grazing distribution patterns are expected to retain sufficient vegetative cover on the allotment, this will maintain the stability of the soils. Soil compaction and excessive vegetative use will occur at small, localized areas such as bedding areas, watering locations, and along trails. Positive affects from the proposed action may include acceleration of nutrient cycling, and chipping of the soil crust by hoof action may stimulate seedling growth and water infiltration.

2. Vegetation: Vegetation will continue to be grazed and trampled by domestic livestock as well as other herbivores. The area has been grazed by livestock since the early part of the 1900's, if not longer. The area evolved with large ungulate animal species and native vegetation is accustomed to herbivory. Ecological condition and trend is expected to remain stable and/or improve over the long term with the proposed authorized number of livestock and existing

pasture management. Rangeland inventory data indicates that there is an adequate amount of forage for the multiple resource use objectives.

3. Wildlife: Domestic livestock will continue to utilize vegetative resources needed by a variety of wildlife species for life history functions within this allotment. The magnitude of livestock grazing impacts on wildlife is dependent upon the species of wildlife being considered, and its habitat needs. Cover habitat for wildlife will remain the same as the existing situation. Maintenance and operation of existing water locations will continue to provide dependable water sources for wildlife, as well as livestock.

4. T&E species: Surveys have been conducted in New Mexico for the mountain plover by Lawry Sager in 1995, for the New Mexico Department of Game and Fish (Sager, 1996). No breeding populations were found south of the 34° North Latitude which generally follows the Chaves/DeBaca County line on the north end of the Roswell Field Office area. However, no birds were reported in either DeBaca or Chaves Counties; only one observation was reported in Lincoln County (near Lon). In addition, mountain plover surveys were conducted in 1998 at BLM selected sites by New Mexico Natural Heritage Program (DeLay & Johnson, 1998). No mountain plovers were observed at the sites. As mountain plovers prefer short vegetation and actually seek out grazed pastures, the cumulative impacts from grazing are not anticipated to adversely affect the bird. Grazing practices which maintain or improve ground cover to the greatest extent possible could decrease mountain plover habitat. The preferred alternative will continue to emphasize proper watershed management, but is unlikely to adversely affect this species or its habitat in the grassland area. Since no known wintering locales or breeding sites have been found and no known prairie dog towns are located within this allotment, proper grazing management is not likely to jeopardize, destroy or adversely modify the habitat.

5 Livestock Management: There will be a reduction on the grazing permit and lease from the expiring permit and lease. The proposed numbers of livestock are in line with that of the vegetation productivity. No adverse impacts are anticipated under the proposed action under the type of management that the allotments receive from the operator.

6. Visual Resources: The continued grazing of livestock would not affect the form or color of the landscape. The primary appearance of the vegetation within the allotment will remain the same.

7. Water Quality: Direct impacts to surface water quality would be minor, short-term impacts during stormflow. Indirect impacts to water-quality related resources, such as fisheries, would not occur. The proposed action would not have a significant effect on ground water. Livestock would be dispersed over the allotment, and the soil would filter potential contaminants.

8. Air Quality: Dust levels under the proposed action would be slightly higher than under the no grazing alternative due to allotment management activities. The levels would be within the limits allowed in a Class II area for the Prevention of Significant Deterioration of air quality.

9. Recreation: Grazing should have little or no impact on the dispersed recreational opportunities within this allotment. Recreation activities that could occur within this grazing allotment are limited or non-existent due to land patterns and the inadequate marking of public land boundary lines.

10. Caves/Karst: No known significant cave or karst features are known to exist on this allotment. There is a high potential that caves do exist in the area. If a significant cave is located within the public lands within this allotment, protection measures for the cave would be placed into effect.

B. Impacts of the No Livestock Grazing Alternative.

1. Soils: Soil compaction would be reduced on the allotment around old trails and bedding grounds, there would be a small reduction in soil loss on the allotment.

2. Vegetation: It is expected that the number of plant species found within the allotment will remain the same, however, there would be small changes in the relative percentages of these species. Vegetation will continue to be utilized by wildlife. There would be an increase in the amount of standing vegetation.

3. Wildlife: Wildlife would have no competition with livestock for forage and cover.

4. T&E Species: There would be no change in the mountain plover habitat if the no grazing alternative was selected.

5. Livestock management: The forage from public land would be unavailable for use by the lessee. This would have an adverse economic impact to the livestock operation. If the No Grazing alternative is selected, the owner of the livestock would be responsible for ensuring that livestock do not enter Public Land [43 CFR 4140.1(b)(1)]. The intermingled land status on the allotment makes it economically unfeasible to fence out the public land and use only the private and state land.

6. Visual Resources: There would be no change in the visual resources.

7. Water Quality: There could be a slight improvement in water quality due to the minor reductions in sediment loading during stormflow.

8. Air Quality: There would be a slightly less dust under this alternative versus the proposed alternative, but this would be negligible when considering all sources of dust.

9. Recreation: Impacts under this alternative would be essentially the same as under the proposed action. Access to the area would still be limited.

10. Caves/Karst: Impacts would be the same as the proposed action if no significant caves are found.

C. Impacts of the Authorize 10 year permit / lease at the current authorization levels alternative:

All impacts associated with this alternative will be essentially the same as those listed under the proposed action. The only difference is that the authorized livestock numbers will remain the same as those of the expiring permit and lease. The differences between the alternatives are negligible based on the fact that the BLM does not control the overall numbers of livestock on either allotment.

V. Cumulative Impacts

All of the allotments that have permits/leases with the BLM will have to go through scoping and analysis under NEPA. Allotments #65040 and 65540 is surrounded by allotments that will be undergoing this process. If the proposed action is selected, there would be no change in the cumulative impacts since it does not vary from the current situation.

If the no livestock grazing alternative is selected, there would be little change in the cumulative impact as long as the surrounding allotments continue to be stocked at their current level. If the permitted numbers are reduced on the surrounding ranches as well, the economics of the surrounding communities and/or minority/low income populations would be negatively impacted.

The No Grazing alternative was considered, but not chosen in the Rangeland Reform Environmental Impact Statement (EIS) Record of Decision (ROD) (p. 28). The elimination of grazing in the Roswell Field Office Area was also considered but eliminated by the Roswell RMP/ROD (pp. ROD-2).

VI. Residual Impacts

Vegetation information shows that grazing, at the proposed numbers of animals, is sustainable. If the mitigation measures are enacted, then there would be no residual impacts to the proposed action.

VII. Mitigating Measures

Vegetation monitoring studies will be conducted and the numbers of livestock will be adjusted on the lease if necessary. If new information surfaces that livestock grazing is negatively impacting other resources, action will be taken at that time to mitigate those impacts.

VIII. Fundamentals of Rangeland Health

The fundamentals of rangeland health are identified in 43 CFR §§4180.1 and pertain to watershed function, ecological process, water quality, and habitat for threatened and endangered (T&E) species and other special status species. Based on the available data and professional judgement, the evaluation by this environmental assessment indicates that the conditions identified in the fundamentals of rangeland health exist on this allotment.

IX. BLM Team Members

Jim Schroeder, John Spain, Tim Kreager, Irene Gonzales-Salas, Jerry Dutchover, Rand French, Pat Flanary, Paul Happel, Jerry Ballard, Howard Parman, Chuck Schmidt.

FINDING OF NO SIGNIFICANT IMPACT/RATIONALE

FINDING OF NO SIGNIFICANT IMPACT: I have reviewed this environmental assessment including the explanation and resolution of any potentially significant environmental impacts. I have determined the **proposed action** will not have significant impacts on the human environment and that preparation of an Environmental Impact Statement (EIS) is not required.

Rationale for Recommendations: The proposed action would not result in any undue or unnecessary environmental degradation. The **proposed action** will be in compliance with the Roswell Resource Management Plan and Record of Decision (October, 1997).

T. R. Kreager,
Assistant Field Office Manager - Resources

Date